

REMARKS

The following forms a full and complete response to the Office Action dated December 24, 2008. Claims 1 and 8 have been amended. Support for the claim amendments can be found, *inter alia*, in the specification. No new matter has been added by any of the amendments. Accordingly, claims 1-9 are pending in this application and are submitted for consideration.

Claim Rejections under 35 U.S.C. § 101

The Examiner rejected claims 1-4 under 35 U.S.C. § 101 for an alleged failure to fall within one of the four statutory categories of invention. Applicant traverses the rejection because claim 1, from which claims 2-4 directly or indirectly depend, falls within one of the statutory categories of invention.

For instance, with regard to claim 1, Applicant submits that the clarifying amendments to claim 1 reciting “storing on a computer readable medium” obviate the Examiner’s rejection of claim 1 because claim 1 now recites functional descriptive material recorded on a computer-readable medium. *See* MPEP § 2106.01 (“When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”). Applicant, therefore, respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims 2-4.

The Examiner rejected claims 8-9 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant traverses the rejection on the basis that claim 8, from which claim 9 depends, falls within one of the statutory categories of invention.

For instance, with regard to claim 8, Applicant’s amendment to claim 8 reciting a yarn image creating program stored on a computer readable medium firmly places claim 8 within one

of the statutory categories of invention because, as noted above with respect to claim 1, claim 8 now recites function descriptive material recorded on a computer-readable medium. Applicant, therefore, respectfully requests the withdrawal of the rejection to claim 8 and its dependent claim 9.

Information Disclosure Statement

The Examiner objected to the Information Disclosure Statement filed August 2, 2006 because of a failure to provide legible copies of cited foreign patent documents JP 60-002238 and JP 09-179977. Applicant submits legible copies of the documents herewith so that the Examiner may consider the references.

Allowable Subject Matter

Applicant thanks the Examiner for noting the allowability of claims 5-7.

CONCLUSION

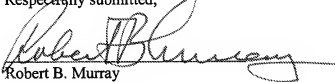
In view of the above, all rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and requests that claims 1-9 be allowed and this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event that this paper is not timely filed, the Applicant respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

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